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Attorney for Plaintiffs,

GONZALO GONZALEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA**FOR THE COUNTY OF LOS ANGELES**

GONZALO GONZALEZ, an individual,

Plaintiff,

v.

CITY OF LOS ANGELES, a municipality;
SERGEANT LOPEZ, an individual;
OFFICER ADRIAN JESUS RODRIGUEZ
(#43774), an individual; and SERGEANT
ROLAND WARD (#30923), an individual;
and DOES 1 through 10, inclusive,

Defendants.

CASE NO.

22STCV39358

COMPLAINT FOR DAMAGES

1. Retaliation for Exercise of the First Amendment (42 USC § 1983)
2. Unreasonable Seizure (42 USC § 1983)
3. Municipal Liability – Official Policies, Customs, or Practices (42 USC § 1983)
4. Municipal Liability - Failure to Train (42 USC § 1983)
5. False Arrest & Imprisonment
6. Negligence
7. Bane Act Violation (Cal. Civ. Code § 52.1)

DEMAND FOR JURY TRIAL

JURISDICTION AND VENUE

1
2 1. This case is properly filed in Los Angeles Superior Court, unlimited, as it is a
3 civil action that seeks remedies under state and federal law for injuries suffered by Plaintiff
4 in excess of \$25,000.00.

5 2. Personal jurisdiction and venue are proper in this Court because, at all
6 relevant times, Defendants were located, operating, and/or residing within the City of Los
7 Angeles, State of California, and all incidents, events, and occurrences giving rise to this
8 action occurred in the city and state of the same.

9 3. All state law causes of action are within six (6) months of Plaintiff's receipt of
10 notice for the rejection of all antecedent claims lodged with the defendant CITY OF LOS
11 ANGELES in compliance with the California Tort Claims Act (Cal. Gov. Code §§ 810-996.6).

PARTIES

12
13 4. Plaintiff GONZALO GONZALEZ (hereinafter "GONZALEZ") is and was, at
14 all relevant times, a resident of the defendant CITY OF LOS ANGELES, County of Los
15 Angeles, State of California.

16 5. Defendant CITY OF LOS ANGELES (hereinafter "CITY") is a municipality
17 with the capacity to sue and be sued, located within the County of Los Angeles, State of
18 California.

19 6. At all relevant times, Defendants SERGEANT LOPEZ (hereinafter "LOPEZ"),
20 OFFICER ADRIAN JESUS RODRIGUEZ (hereinafter "RODRIGUEZ"), and SERGEANT
21 ROLAND WARD (hereinafter "WARD") were individuals employed as police (hereinafter
22 "OFFICERS," collectively) with the defendant CITY's Los Angeles Police Department
23 (hereinafter "LAPD") and, upon information and belief, reside in the County of Los Angeles,
24 State of California.

25 7. Each of the defendants named herein has caused and is responsible for the
26 unlawful conduct and resulting rights violations to Plaintiff GONZALEZ, either by
27 personally participating in the conduct or acting jointly and in concert with those who did;
28 by authorizing, acquiescing, or failing to take action to prevent or intervene in the unlawful

1 conduct; by promulgating policies and procedures pursuant to which the unlawful conduct
 2 occurred; by failing and refusing, with deliberate indifference to the rights and wellbeing of
 3 Plaintiff and/or the public, to initiate and maintain adequate supervision and/or training of
 4 said actors; and/or, by ratifying the unlawful conduct perpetrated by said actors, all of
 5 whom were employees, officials, agents, etc., under their supervision, direction, and control.

6 8. Whenever and wherever reference is made in this Complaint to any act by a
 7 defendant, such allegation and reference shall also be deemed to mean the acts and failures
 8 to act of each defendant individually, jointly, and severally. Accordingly, each of the
 9 individual defendants is sued in their personal capacities for the harms caused by their acts
 10 or omissions, while the defendant CITY OF LOS ANGELES is sued on account of their
 11 liability for the unconstitutional policies, practices, customs, training failures, etc., that were
 12 substantial moving forces behind the individual defendants' harmful conduct, and/or for
 13 subsequent ratifications thereof.

14 9. Plaintiff is ignorant of the true names and capacities of defendants sued herein
 15 as DOES, and therefore sues these defendants by fictitious names. Plaintiff will give notice
 16 of their true names and capacities when ascertained. Plaintiff is informed and believes and
 17 thereon alleges that defendant DOES are responsible in some manner for the damages and
 18 injuries hereinafter complained of.

19 10. Plaintiff is informed and believes and thereupon alleges that at all times
 20 relevant herein defendants, including DOE defendants, and each of them, were the agents,
 21 servants, couriers and employees of other defendants, and were acting in concert with each
 22 other and in furtherance of a common goal and/or objective, were acting within the course
 23 and scope of the agency and employment or ostensible agency and employment.

24 **FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

25 11. Plaintiff GONZALO GONZALEZ is a civil rights advocate who regularly
 26 documents the activity of peace officers in the public's interest, what has come to be known
 27 as "First Amendment auditing," colloquially. GONZALEZ is also known as "East Los
 28 Audits" online, where he publishes his First Amendment activities and content.

1 12. On the evening of November 28, 2021, at or near 7027 Lanewood Ave. in Los
2 Angeles, California, GONZALEZ exercised his constitutional right to film public officials,
3 in public spaces, during the performance of their official duties, and/or to document matters
4 of public interest. Defendants LOPEZ, RODRIGUEZ (#43774), and WARD (#30923), were
5 among the LAPD officers recorded by GONZALEZ that evening.

6 13. Shortly after GONZALEZ began filming on his cellphone, Defendant LOPEZ
7 pulled his patrol vehicle curbside, a few feet in front of where GONZALEZ had been
8 standing. Defendant LOPEZ then reversed his patrol car in the direction of GONZALEZ,
9 slowly at first, before suddenly accelerating and colliding with the car parked behind where
10 GONZALEZ had been standing.

11 14. Defendant LOPEZ exited his vehicle and approached GONZALEZ on the
12 sidewalk where he proceeded to accuse GONZALEZ of causing the collision by distracting
13 him. The truth, as documented on video, is that GONZALEZ had been calmly crossing
14 around the two (2) vehicles, parked in tandem behind LOPEZ's vehicle, and onto the nearby
15 sidewalk. Conversely, Defendant LOPEZ had been negligent, at best, and attempting to
16 harm GONZALEZ, at worst, when he crashed his patrol vehicle. However, instead of taking
17 accountability for his actions, Defendant LOPEZ attempted to pin his negligence on
18 GONZALEZ.

19 15. After a brief exchange in which Defendant LOPEZ unlawfully ordered
20 GONZALEZ to stop filming multiple times, Defendant LOPEZ snatched GONZALEZ's
21 phone from his hands, forcibly ending the video recording of their interaction.

22 16. After summoning Defendants RODRIGUEZ (#43774) and WARD (#30923),
23 who had witnessed the entire ordeal and ensuing dialogue, Defendant LOPEZ arrested or
24 caused GONZALEZ to be arrested in apparent retaliation for recording LOPEZ and his
25 collision.

26 17. In their attempts to shield or conceal their conduct, Defendants LOPEZ,
27 RODRIGUEZ (#43774), and ROLAND WARD (#30923), violated GONZALEZ's rights under
28 the laws and Constitutions of the United States and California, showed considerable

1 negligence in the performance of their duties, and caused GONZALEZ to suffer severe
2 mental and emotional distress and reputational harm.

3 18. Further, Defendants' acted with willful and conscious disregard for the safety
4 and rights of GONZALEZ and the public, subjected GONZALEZ to cruel and unjust
5 hardship in retaliation for his exercise of those rights, and intended to misrepresent and/or
6 conceal their own misconduct by doing so. Therefore, Defendants' actions were malicious,
7 oppressive, and fraudulent, entitling GONZALEZ to recover punitive damages in addition
8 to compensation for his physical, psychological, and emotional pain and suffering, in order
9 to punish and make example of Defendants' despicable conduct.

10 **FIRST CAUSE OF ACTION**

11 **FOR RETALIATION AGAINST EXERCISE OF THE FIRST AMENDMENT**

12 **(42 USC § 1983)**

13 **(By Plaintiff against Defendants SERGEANT LOPEZ, OFFICER ADRIAN JESUS**
14 **RODRIGUEZ (#43774), and SERGEANT ROLAND WARD (#30923))**

15 19. Plaintiff realleges and incorporates by reference each of the forgoing
16 paragraphs in this Complaint with the same force and effect as if fully set forth herein.

17 20. At all relevant times, Defendants LOPEZ, ADRIAN JESUS RODRIGUEZ, and
18 ROLAND WARD were acting within the course and scope of their employment as police
19 OFFICERS with the LAPD, under color of law.

20 21. Under the First Amendment to the United States Constitution, GONZALEZ
21 has a cognizable right to film police OFFICERS in public setting during the performance of
22 their official duties. *Askins v. U.S. Dep't of Homeland Sec.*, 899 F.3d 1035, 1044 (9th Cir. 2018).
23 GONZALEZ caused no impediment to Defendants LOPEZ, RODRIGUEZ, and WARD in
24 his exercise of this right. Any impediment so claimed was of the defendant OFFICERS' own
25 creation and totally unnecessary.

26 22. The defendant OFFICERS' conduct, i.e., intimidation, threats, arrests, would
27 undoubtedly chill a person of ordinary firmness from continuing to exercise their right to
28 film the police.

1 23. GONZALEZ's exercise of his right to film the police was a substantial
2 motivating factor in the defendant OFFICERS' conduct, as no probable cause existed by
3 which to alternatively explain or justify his arrest. Indeed, the pretextual offenses trumped
4 up by Defendants LOPEZ, RODRIGUEZ, and WARD were dismissed or never pursued on
5 account of their baselessness.

6 24. Accordingly, Defendants LOPEZ, RODRIGUEZ, and WARD committed
7 clearly established constitutional violations, which were or reasonably should have been
8 well-known by peace officers in their same position, and substantially caused GONZALEZ
9 to needlessly suffer severe psychological and emotional distress and reputational harm as a
10 result.

11 25. Additionally, Plaintiff GONZALEZ is informed and thereon alleges that even
12 if some sort of probable cause can be articulated by Defendants LOPEZ, RODRIGUEZ, and
13 WARD for the subject arrest, such arrest was still in violation of Plaintiff GONZALEZ's First
14 Amendment rights pursuant to *See Nieves v. Bartlett*, 139 S. Ct. 1715 (2019). Indeed, when
15 officers such as Defendants LOPEZ, RODRIGUEZ, and WARD have probable cause to make
16 arrests, but typically exercise their discretion not to do so, such arrest can violate the First
17 Amendment. Clearly, if an individual, such as Plaintiff GONZALEZ, who has been vocally
18 complaining about police conduct is arrested for, it would seem insufficiently protective of
19 First Amendment rights to dismiss the individual's retaliatory arrest claim on the ground
20 that there was undoubted probable cause for the arrest."

21 26. Plaintiff GONZALEZ is informed and thereon alleges that he was arrested
22 when two other individuals, one of which who was also filming, and were otherwise
23 similarly situated to Plaintiff GONZALEZ who were in the same sort of protected speech,
24 had not been arrest nor even detained by Defendants LOPEZ, RODRIGUEZ, and WARD.

25 27. As a direct and proximate result of Defendants' conduct, Plaintiff GONZALEZ
26 was injured.

27 28. Accordingly, Plaintiff by this action, further claims all of his attorneys' fees
28 and costs incurred and to be incurred in Plaintiff presenting, maintaining and prosecuting

1 this action under 42 U.S.C. Section 1988.

2 29. Further, Defendants' acted with willful and conscious disregard for the rights
3 and wellbeing of GONZALEZ and the public, subjected GONZALEZ to cruel and unjust
4 hardship in retaliation for his exercise of those rights, and intended to misrepresent and/or
5 conceal their own misconduct by doing so. Therefore, Defendants' actions were malicious,
6 oppressive, and fraudulent, entitling GONZALEZ to recover punitive damages in addition
7 to compensation for his physical, psychological, and emotional pain and suffering, in order
8 to punish and make example of Defendants' despicable conduct.

9 **SECOND CAUSE OF ACTION**

10 **FOR UNREASONABLE SEIZURE**

11 **(42 U.S.C. § 1983)**

12 **(By Plaintiff against Defendants SERGEANT LOPEZ, OFFICER ADRIAN JESUS**
13 **RODRIGUEZ (#43774), and SERGEANT ROLAND WARD (#30923))**

14 30. Plaintiff realleges and incorporates by reference each of the forgoing
15 paragraphs in this Complaint with the same force and effect as if fully set forth herein.

16 31. At all relevant times, Defendants LOPEZ, RODRIGUEZ, and WARD were
17 acting within the course and scope of their employment as police OFFICERS with the LAPD,
18 under color of law.

19 32. Defendants LOPEZ, RODRIGUEZ, and WARD unreasonably seized
20 GONZALEZ's person and property, intentionally and by means of physical force, when
21 they confiscated his phone, detained, and arrested GONZALEZ in retaliation for his exercise
22 of rights protected under the First Amendment to the United States Constitution, among
23 others.

24 33. As previously stated, under the totality of the circumstances, no probable
25 cause existed for the defendant OFFICERS to arrest GONZALEZ. Indeed, the pretextual
26 offenses trumped up by Defendants LOPEZ, RODRIGUEZ, and WARD were favorably
27 dismissed or never pursued on account of their baselessness. The only adequate explanation
28 available for the choice to arrest GONZALEZ is that the defendant OFFICERS intended to

1 interrupt and deter the exercise of his right to film them, in disdain or embarrassment of
2 their own negligence and/or incompetence.

3 34. Accordingly, Defendants LOPEZ, RODRIGUEZ, and WARD committed
4 clearly established constitutional violations, which were or reasonably should have been
5 well-known by peace officers in their same position, and substantially caused GONZALEZ
6 to needlessly suffer severe psychological and emotional distress and reputational harm as a
7 result.

8 35. Accordingly, Plaintiff by this action, further claims all of his attorneys' fees
9 and costs incurred and to be incurred in Plaintiff presenting, maintaining and prosecuting
10 this action under 42 U.S.C. Section 1988.

11 36. Further, Defendants' acted with willful and conscious disregard for the rights
12 and wellbeing of GONZALEZ and the public, subjected GONZALEZ to cruel and unjust
13 hardship in retaliation for his exercise of those rights, and intended to misrepresent and/or
14 conceal their own misconduct by doing so. Therefore, Defendants' actions were malicious,
15 oppressive, and fraudulent, entitling GONZALEZ to recover punitive damages in addition
16 to compensation for his physical, psychological, and emotional pain and suffering, in order
17 to punish and make example of Defendants' despicable conduct.

18 **THIRD CAUSE OF ACTION**

19 **FOR MUNICIPAL LIABILITY – OFFICIAL POLICIES, CUSTOMS, OR PRACTICES**

20 **(42 U.S.C. § 1983)**

21 **(By Plaintiff against Defendants CITY OF LOS ANGELES)**

22 37. Plaintiff realleges and incorporates by reference each of the forgoing
23 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

24 38. The present cause of action is brought pursuant to 42 U.S.C. § 1983, *Monell v.*
25 *Dept. of Social Services*, and all other relevant case law and precedent, under which Defendant
26 CITY and its LAPD are liable by way of the established policies, customs, and/or practices
27 which served as substantial moving forces behind constitutional rights violations
28 perpetrated by their employees, agents, officers, and/or representatives.

1 39. At all relevant times, Defendants LOPEZ, RODRIGUEZ, and WARD were
2 acting within the course and scope of their employment as officers with the LAPD, under
3 color of law.

4 40. The Defendant CITY OF LOS ANGELES and its LAPD, acting with deliberate
5 indifference to the rights and liberties of the public in general, and of the present plaintiff,
6 GONZALO GONZALEZ, and of persons in Plaintiff's class, situation, and comparable
7 position, knowingly maintained, enforced, and/or adopted policies, customs, and/or
8 practices of:

- 9 A. Permitting police officers to interfere with members of the public, such as
10 Plaintiff, from documenting interactions with members of the public and the
11 police department;
- 12 B. Failing to train officers to understand and follow the clear distinction between
13 objectively reasonable and deadly force standards of Subsections (b) and (c)(1) of
14 PC 835a;
- 15 C. Allowing LAPD officers to pretextually arrest civilians engaged in the exercise of
16 constitutional rights as a means of interrupting such exercises;
- 17 D. Allowing LAPD officers to wield their authority to detain and/or arrest civilians
18 arbitrarily and capriciously, seizing civilians out of personal spite or disdain;
- 19 E. Employing and retaining LAPD officers and other personnel, including the
20 defendant OFFICERS, whom Defendants CITY knew or reasonably should have
21 discovered to have propensities for abusing their authority, mistreating civilians,
22 and failing to follow established agency policies respecting the rights of the public
23 and interactions with civilians;
- 24 F. Inadequately supervising, training, controlling, assigning, and disciplining LAPD
25 employees, including the defendant OFFICERS, whom Defendants CITY knew
26 or, in the exercise of due care, should have known to be perpetrators of unlawful
27 and/or unconstitutional conduct, or allowing such misconduct to go totally
28 unaddressed altogether;

- 1 G. Maintaining grossly inadequate procedures for reporting, supervising,
- 2 investigating, reviewing, disciplining, and controlling intentional misconduct by
- 3 LAPD employees, including the defendant OFFICERS;
- 4 H. Consistently ratifying the intentional misconduct of LAPD employees in public
- 5 statements and/or subsequent internal "investigations," thereby cultivating a
- 6 sense of official impunity within the LAPD encouraging of such misconduct;
- 7 I. Encouraging, accommodating, or facilitating a "code of silence" among LAPD
- 8 employees, pursuant to which false reports are generated and abuses of power
- 9 are routinely covered up;
- 10 J. Transferring, moving, and/or relocating problem officers to other stations,
- 11 divisions, positions, and/or to other local municipal agencies altogether, to
- 12 essentially "bury," ignore, dilute, hide, spread, etc., these problem actors, along
- 13 with their incidents of misconduct, to other assignments, evading internal,
- 14 disciplinary, and other investigations;
- 15 K. Allowing mistreatment against suspects, inmates, or defendants in custody, in
- 16 order for an officer to gain membership and/or status in one of the various gang-
- 17 like, renegade cliques that exist within the LAPD, as well as participating in
- 18 and/or perpetuating the acknowledgement, allure, and attainment of such
- 19 membership and notoriety;
- 20 L. Allowing law enforcement personnel to encourage, intimidate, and compel others
- 21 to "work in gray," or maintain a "code of silence" or "blue code" regarding these
- 22 unconstitutional abuses, in order to insulate the law enforcement from
- 23 accountability, attract and recruit problematic individuals to law enforcement,
- 24 and improperly or expeditiously promote problem actors into positions of
- 25 authority within law enforcement, among various other abuses of power and
- 26 breaches of duty not specified.

27 41. By reason of the forgoing policies, customs, and/or practices, GONZALEZ was
 28 subjected to severe psychological and emotional distress, as outlined in the foregoing causes

1 of action brought under 42 USC § 1983.

2 42. These expressly adopted policies or widespread, well-known, and
3 longstanding practices/customs constitute standard operating procedures of Defendant
4 CITY's LAPD, which has resulted in considerable uses of unreasonable and excessive force
5 against members of the general public, inmates, suspects, and defendant detainees, not least
6 of which resemble those suffered by GONZALEZ.

7 43. Defendants CITY and its LAPD, along with various other supervisory officials
8 in their personal capacities, whether named or unnamed had either actual or constructive
9 knowledge of the unconstitutional policies, practices, and/or customs alleged in the
10 paragraphs above. Despite this knowledge, said Defendants, as or through officials with
11 final policymaking authority, did condone, tolerate, and ratify such policies, customs,
12 and/or practices, and have, likewise, acted with deliberate indifference to the foreseeable
13 effects and consequences of these policies with respect to the civil rights and wellbeing of
14 GONZALEZ, other individuals similarly situated, and the public at large.

15 44. Accordingly, the policies, practices, and/or customs implemented,
16 maintained, and/or still tolerated by Defendant CITY and final policymakers thereof, were
17 so closely connected to the harms suffered by GONZALEZ as to have been a substantial
18 moving force behind them; that is, Defendants CITY are inextricably liable to GONZALEZ
19 for the unconstitutional acts and omissions of the individual defendant OFFICERS that
20 precipitated those harms, as set forth herein.

21 **FOURTH CAUSE OF ACTION**

22 **FOR MUNICIPAL LIABILITY – FAILURE TO TRAIN**

23 **(42 USC § 1983)**

24 **(By Plaintiff against Defendants CITY OF LOS ANGELES)**

25 45. Plaintiff realleges and incorporates by reference each of the forgoing
26 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

27 46. The present cause of action is brought pursuant to 42 U.S.C. § 1983, *Monell v.*
28 *Dept. of Social Services*, and all other relevant case law and precedent, under which Defendant

1 CITY and its LAPD are liable by way of the training and supervisory failures that were a
2 substantial moving force behind the constitutional rights violations perpetrated by their
3 employees, agents, officers, and/or representatives.

4 47. At all relevant times, Defendants LOPEZ, RODRIGUEZ, and WARD were
5 acting within the course and scope of their employment as officers with the LAPD, under
6 color of law.

7 48. Plaintiff GONZALEZ claims that he suffered the constitutional violations
8 alleged herein as a result of the referenced failures of Defendants CITY to adequately train
9 LAPD personnel, including but not limited to the defendant OFFICERS.

10 49. The training of the defendant OFFICERS by the LAPD did not adequately
11 instill the necessary discipline, restraint, competence, and respect for civil rights required of
12 armed law enforcement personnel. In particular, the training of the defendant OFFICERS in
13 the protections and requirements of the First and Fourth amendments to the United States
14 Constitution is manifestly inadequate.

15 50. The critical need for discipline, restraint, and competence on the part of law
16 enforcement was and is, or reasonably should have been, well-known to Defendants CITY
17 at this point. The modern proliferation of public attention paid to rights violations by law
18 enforcement has rendered the consequences of such training inadequacies unignorable. In
19 fact, the burgeoning cultural phenomenon of "First Amendment auditing" in which
20 GONZALEZ was engaged when he was wrongfully arrested, has developed and for this
21 very reason, in direct response to misconduct and incompetence like that shown by the
22 defendant OFFICERS in this case.

23 51. More particularly, Defendant CITY failed to provide adequate training to
24 defendant OFFICERS and other officers within the department in the following regards:

25 A. Permitting police officers to interfere with members of the public, such as
26 Plaintiff, from documenting interactions with members of the public and the
27 police department;

28 B. Failing to train officers to understand and follow the clear distinction between

1 objectively reasonable and deadly force standards of Subsections (b) and (c)(1) of
2 PC 835a;

3 C. Allowing LAPD officers to pretextually arrest civilians engaged in the exercise of
4 constitutional rights as a means of interrupting such exercises;

5 D. Allowing LAPD officers to wield their authority to detain and/or arrest civilians
6 arbitrarily and capriciously, seizing civilians out of personal spite or disdain;

7 E. Employing and retaining LAPD officers and other personnel, including the
8 defendant OFFICERS, whom Defendants CITY knew or reasonably should have
9 discovered to have propensities for abusing their authority, mistreating civilians,
10 and failing to follow established agency policies respecting the rights of the public
11 and interactions with civilians;

12 F. Inadequately supervising, training, controlling, assigning, and disciplining LAPD
13 employees, including the defendant OFFICERS, whom Defendants CITY knew
14 or, in the exercise of due care, should have known to be perpetrators of unlawful
15 and/or unconstitutional conduct, or allowing such misconduct to go totally
16 unaddressed altogether;

17 G. Maintaining grossly inadequate procedures for reporting, supervising,
18 investigating, reviewing, disciplining, and controlling intentional misconduct by
19 LAPD employees, including the defendant OFFICERS;

20 H. Consistently ratifying the intentional misconduct of LAPD employees in public
21 statements and/or subsequent internal "investigations," thereby cultivating a
22 sense of official impunity within the LAPD encouraging of such misconduct;

23 I. Encouraging, accommodating, or facilitating a "code of silence" among LAPD
24 employees, pursuant to which false reports are generated and abuses of power
25 are routinely covered up;

26 J. Transferring, moving, and/or relocating problem officers to other stations,
27 divisions, positions, and/or to other local municipal agencies altogether, to
28 essentially "bury," ignore, dilute, hide, spread, etc., these problem actors, along

1 with their incidents of misconduct, to other assignments, evading internal,
2 disciplinary, and other investigations;

3 K. Allowing mistreatment against suspects, inmates, or defendants in custody, in
4 order for an officer to gain membership and/or status in one of the various gang-
5 like, renegade cliques that exist within the LAPD, as well as participating in
6 and/or perpetuating the acknowledgement, allure, and attainment of such
7 membership and notoriety;

8 L. Allowing law enforcement personnel to encourage, intimidate, and compel others
9 to "work in gray," or maintain a "code of silence" or "blue code" regarding these
10 unconstitutional abuses, in order to insulate the law enforcement from
11 accountability, attract and recruit problematic individuals to law enforcement,
12 and improperly or expeditiously promote problem actors into positions of
13 authority within law enforcement, among various other abuses of power and
14 breaches of duty not specified.

15 52. Despite the resounding need for improved or further training, both in general
16 and with respect to the defendant OFFICERS in particular, Defendants CITY have allowed,
17 if not affirmatively encouraged, a culture of deliberate indifference to the rights and
18 wellbeing of the public to develop within the LAPD, thereby causing the present plaintiff
19 and countless others like him to suffer irreversible violations of their civil rights, including
20 but not limited to the freedom from unreasonable seizure, malicious prosecution, and
21 interference/retaliation in the exercise of their civil rights.

22 53. On account of the forgoing realities, Defendants CITY have, themselves,
23 shown deliberate indifference to the obvious systemic consequences to the referenced
24 training failures and other departmental shortcomings. These training failures directly
25 produced the particular incompetence and impropriety of the defendant OFFICERS by
26 which GONZALEZ's civil rights were violated; that is, the training failures of the LAPD are
27 so inextricable from the violations in question as to have been a substantial moving force
28 behind them.

1 of his right to film them, in disdain or embarrassment of their own negligence and/or
2 incompetence.

3 60. The unconstitutional conduct of Defendants LOPEZ, RODRIGUEZ, and
4 WARD substantially caused GONZALEZ to suffer severe psychological and emotional
5 distress and reputational harm.

6 61. Further, Defendants' acted with willful and conscious disregard for the rights
7 and wellbeing of GONZALEZ and the public, subjected GONZALEZ to cruel and unjust
8 hardship in retaliation for his exercise of those rights, and intended to misrepresent and/or
9 conceal their own misconduct by doing so. Therefore, Defendants' actions were malicious,
10 oppressive, and fraudulent, entitling GONZALEZ to recover punitive damages under in
11 addition to compensation for his physical, psychological, and emotional pain and suffering,
12 in order to punish and make example of Defendants' despicable conduct.

13 SIXTH CAUSE OF ACTION

14 FOR NEGLIGENCE

15 (By Plaintiff against Defendants SERGEANT LOPEZ, OFFICER ADRIAN JESUS
16 RODRIGUEZ (#43774), and SERGEANT ROLAND WARD (#30923))

17 62. Plaintiff realleges and incorporates by reference each of the forgoing
18 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

19 63. The present cause of action is brought pursuant to Cal. Gov. Code §§ 815.2 and
20 820. Under Section 820 of the Government Code, as public employees, the defendant
21 OFFICERS are liable for injuries caused by their acts or omissions to the same extent as
22 private persons. Under Section 815.2 of the Government Code, Defendant CITY is liable for
23 injuries caused by the acts or omissions of its employees, agents, and/or officers committed
24 within the course and scope of their employment.

25 64. As peace officers, Defendants LOPEZ, RODRIGUEZ, and WARD undertake
26 the particular duties of upholding the law and to respect, if not defend, the Constitution of
27 the United States.

28 ///

65. Defendants LOPEZ, RODRIGUEZ, and WARD breached this duty when they intentionally and unlawfully arrested GONZALEZ in spite of his rights to document matters of public interest, and to be free from unreasonable seizure and malicious prosecution, under the First and Fourth Amendments to the United States Constitution, respectively, among other violations.

66. As a direct and proximate result of his unlawful arrest, Defendants LOPEZ, RODRIGUEZ, and WARD substantially caused GONZALEZ to suffer, then and into the present, considerable humiliation, feelings of powerlessness and victimization, disillusionment in his country and its justice system, as well as hopelessness and despair as to the future of life in our society, among other harms.

67. Further, Defendants' acted with willful and conscious disregard for the rights and wellbeing of GONZALEZ and the public, subjected GONZALEZ to cruel and unjust hardship in retaliation for his exercise of those rights, and intended to misrepresent and/or conceal their own misconduct by doing so. Therefore, Defendants' actions were malicious, oppressive, and fraudulent, entitling GONZALEZ to recover punitive damages under in addition to compensation for his physical, psychological, and emotional pain and suffering, in order to punish and make example of Defendants' despicable conduct.

SEVENTH CAUSE OF ACTION

FOR VIOLATION OF THE TOM BANE CIVIL RIGHTS ACT

(Cal. Civ. Code § 52.1)

(By Plaintiff against Defendants SERGEANT LOPEZ, OFFICER ADRIAN JESUS RODRIGUEZ (#43774), and SERGEANT ROLAND WARD (#30923))

68. Plaintiff realleges and incorporates by reference each of the forgoing paragraphs of this Complaint with the same force and effect as if fully set forth herein.

69. The present cause of action is brought pursuant to Cal. Civ. Code § 52.1 and Gov. Code §§ 815.2 and 820. Under Section 820 of the Government Code, as public employees, the defendant OFFICERS are liable for injuries caused by their acts or omissions to the same extent as private persons. Under Section 815.2 of the Government Code,

1 Defendant CITY is liable for injuries caused by the acts or omissions of its employees, agents,
2 and/or officers committed within the course and scope of their employment.

3 70. Civil Code § 52.1(b) authorizes a private right of action for damages to any
4 person whose constitutional rights are violated by use of threats, intimidation, or coercion.
5 Importantly, “a successful claim for excessive force under the Fourth Amendment provides
6 the basis for a successful claim under § 52.1.” *Chaudhry v. City of Los Angeles*, 751 F.3d 1096,
7 1105-06 (9th Cir. 2014); citing *Cameron v. Craig*, 713 F.3d 1012, 1022 (9th Cir.2013) (“[T]he
8 elements of the excessive force claim under § 52.1 are the same as under § 1983.”); *Bender v.*
9 *Cnty. of L.A.*, 217 Cal.App.4th 968, 976 (2013) (“an unlawful [seizure]—when accompanied
10 by unnecessary, deliberate, and excessive force—is [] within the protection of the Bane Act”).

11 71. Defendants LOPEZ, RODRIGUEZ, and WARD specifically intended to
12 interfere, by threat, intimidation, and coercion, with GONZALEZ’s exercise and enjoyment
13 of civil rights guaranteed under the laws and Constitutions of the United States and the
14 State of California, including, but not limited to, interference with his rights to be secure in
15 his person and free from unreasonable harassment or seizure without reasonable suspicion
16 and probable cause, his right of protection from bodily restraint and harm, and his right to
17 film the police in the public performance of their duties.

18 72. No other basis for the arrest and imprisonment of GONZALEZ exists, as he
19 had not impeded the defendant OFFICERS in the performance of their duties, obstructed
20 traffic by filming them, nor posed any danger to others by his conduct.

21 73. Defendants LOPEZ, RODRIGUEZ, and WARD intimidated and threatened
22 GONZALEZ with arrest, causing GONZALEZ to reasonably believe that they would act
23 violently against him and/or his property if he continued to exercise his First Amendment
24 rights. Further, each of the defendant OFFICERS had the apparent ability to carry out these
25 threats and, in fact, did unlawfully arrest GONZALEZ and seize his phone when he
26 persisted in the exercise of his First Amendment rights.

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74. The defendant OFFICERS' interference with GONZALEZ's exercise and enjoyment of his First Amendment rights, among others, substantially caused GONZALEZ to suffer severe mental and emotional distress and reputational harm as a result.

75. Further, Defendants' acted with willful and conscious disregard for the rights and wellbeing of GONZALEZ and the public, subjected GONZALEZ to cruel and unjust hardship in retaliation for his exercise of those rights, and intended to misrepresent and/or conceal their own misconduct by doing so. Therefore, Defendants' actions were malicious, oppressive, and fraudulent, entitling GONZALEZ to recover punitive damages under in addition to compensation for his physical, psychological, and emotional pain and suffering, in order to punish and make example of Defendants' despicable conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request entry of judgment in their favor and against Defendants as follows:

- A. For compensatory damages including but not limited to Plaintiff's emotional pain and suffering and reputational harm, in an amount according to proof at trial;
- B. For punitive damages against the individual defendants in an amount to be proven at trial;
- C. For interest;
- D. For the reasonable costs of this suit and attorneys' fees, in an amount to be proven according to proof at trial, under 42 U.S.C. § 1988 and/or Cal. Civ. Code § 52.1;
- E. For penalties and other remedies allowable under Civil Code § 52;
- F. For all other damages allowed under state and federal law, and;
- G. For such further relief as the Court may deem appropriate, proper, and just.

Dated: December 19, 2022

THE LAW OFFICES OF CHRISTIAN CONTRERAS
A PROFESSIONAL LAW CORPORATION

By: 

Christian Contreras, Esq.
Attorney for Plaintiff,
GONZALO GONZALEZ

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all claims for relief alleged herein.

Dated: December 19, 2022

**THE LAW OFFICES OF CHRISTIAN CONTRERAS
A PROFESSIONAL LAW CORPORATION**

By: 
Christian Contreras, Esq.
Attorney for Plaintiff,
GONZALO GONZALEZ